

II. REMARKS

Preliminary Remarks

Reconsideration and allowance of the present application based upon the following amendment and following remarks are respectfully requested. Claims 20 and 24-43 are currently pending in this application prior to entry of the amendments herein. Claims 32-34 are currently objected. Claims 24-29, 31, and 40-43 are allowed. Claims 20, 30, and 32-39 remain at issue. This response is timely filed. The applicants request entry of the foregoing amendment, as it will either place the application for allowance or place the application in better form for an appeal.

In paragraph 5 of the official action, the examiner objected to claims 32-34 for depending in the alternative to canceled claims 21-23. The applicants have amended the dependency of claims 32-34 to depend in the alternative to allowed claims 24 and 27. Accordingly, the applicants respectfully request withdrawal of the objections to claims 32-34.

The applicants do not intend by these or any amendments to abandon subject matter of the claims as originally filed or later presented, and reserve the right to pursue such subject matter in a continuing application.

Patentability Remarks

Rejection Pursuant to 35 U.S.C. §101, first paragraph

In paragraphs 6 and 7 of the official action, the examiner maintained his rejection of claims 20, 30, and 32-39 under 35 U.S.C. §112, first paragraph, for allegedly lacking enablement. The examiner alleged that undue experimentation would be required to identify specific catalytic amino acids and structural motifs essential for enhanced export of amylase by the SecD and SecF proteins having 90% amino acid sequence identity to SEQ ID NOS: 3 and 4. Specifically, the examiner further asserted selecting any 64 or 40 amino acid residues in SEQ ID NOS: 3 or 4 to modify, search, and then screen for either a deletion, insertion, substitution, or combination thereof which will not result in a loss of amylase secretion activity is undue experimentation. The examiner asserted that screening and searching for the claimed invention using the assays taught in the specification is not sufficient guidance for making the claimed invention. The examiner believes one of skill in the art needs additional

guidance. The examiner stated this additional guidance includes information regarding the amino acid residues which can be changed without inactivating amylase secretase activity.


Solely to expedite prosecution, and without prejudice to seeking broader claims in a continuing application, the applicants have canceled claim 20 without prejudice. The amended vector and host cell claims (30, 32-39) have been amended to draw their dependence upon allowed polynucleotide claims 24 and/or 27. In view of the foregoing amendment, the applicants respectfully request the rejection of claims 20, 30, and 32-39 under 35 U.S.C. §112, first paragraph, for lack of enablement, has been overcome and should be withdrawn.

III. CONCLUSION

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

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